

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CAPITOL RECORDS, LLC, *et al*,

Plaintiffs,

v.

MP3TUNES, LLC, and MICHAEL ROBERTSON,

Defendants.

MP3TUNES, LLC, and MICHAEL ROBERTSON,

Counter-Claimants,

v.

CAPITOL RECORDS, LLC, *et al*,

Counter-Defendants.

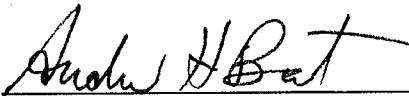
No. 07 Civ. 9931 (WHP)(FM)

PLEASE TAKE NOTICE that upon the accompanying the Declarations of Andrew H. Bart, dated October 29, 2010, Ellis Horowitz, dated October 29, 2010, Audrey Ashby, dated October 29, 2010, Michael Abitbol, dated October 28, 2010, Anne Tarpey, dated October 29, 2010, and Alasdair McMullan, dated October 28, 2010, and the documents submitted therewith, the accompanying Local Rule 56.1 Statement of Uncontroverted Facts, the accompanying Memorandum of Law, and all papers and proceedings heretofore had herein, the undersigned attorneys for Plaintiffs shall move this Court, before the Honorable Judge William H. Pauley III, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Courtroom 11-D, New York, New York 10007, on January 28, 2011 at 11:30 am, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting plaintiff summary judgment

defendant MP3tunes on claims 1, 2, 3, 6, 7, and 8 in the Second Amended Complaint and for such other and further relief as the Court deems appropriate.

Dated: New York, New York
October 29, 2010

Respectfully submitted,

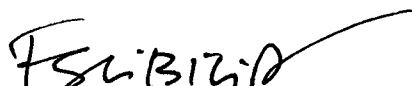
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